

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

DANIEL F. ERKER,

Plaintiff,

VS.

**PEOPLES SERVICE CENTER, INC. and
AMERICAN COMMUNITY MUTUAL
INSURANCE CO.,**

Defendants.

8:08CV237

ORDER

This case has been assigned to the magistrate judge for full pretrial supervision. On July 15, 2008, plaintiff filed a document (Filing [3](#)) which was docketed as a "Waiver of Service Returned Executed," but which is actually captioned "Voluntary Appearance."¹ The document is signed by Mark Floersch, President on behalf of defendant Peoples Service Center, Inc. It does not appear that Mr. Floersch is a licensed attorney.

"It is settled law that a corporation may be represented only by licensed counsel." *Carr Enterprises, Inc. v. United States*, 698 F.2d 952 (8th Cir. 1983); *see also Hasbro, Inc. v. Serafino*, 966 F. Supp. 108, 110 (D. Mass. 1997). It is important for Mr. Floersch to realize that the corporation, not he personally, has been named as a defendant in this lawsuit. A corporation such as Peoples Service Center, Inc. may not defend a lawsuit in this court without retaining counsel. *See Ackra Direct Marketing Corp. v. Fingerhut Corp.*, 86 F.3d 852, 857 (8th Cir. 1996); *United States v. Van Stelton*, 988 F.2d 70 (8th Cir. 1993). The purported "Voluntary Appearance" is of no effect as a pleading in this lawsuit because it was not signed by counsel.

IT IS ORDERED:

1. Plaintiff shall timely effect service of summons and the complaint on defendant, Peoples Service Center, Inc. **or, in the alternative**, procure and file a waiver of service of summons signed by licensed counsel on behalf of Peoples Service Center, Inc.

2. The Clerk shall mail a copy of this Order to Mark Floersch, President, Peoples Services Center, Inc., 10868 West Dodge Road, Omaha, NE 68154.

DATED August 15, 2008.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge

¹ The "waiver" is not in the [form](#) prescribed by the court and posted on the court's web site, www.ned.uscourts.gov, and does not comply with the requirements of Fed. R. Civ. P. 4(d).